



Town of loomis
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY

JANUARY 10, 2006

7:00 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Section 54956.9:
Bickford Ranch Heritage Coalition v. County of Placer
Placer County Case No. SCV 12793

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.9 of the Government Code:
Property: APN 044-007-064, 044-008-030 and 044-012-055 (Union Pacific Railroad property beginning at Loomis Station and running southwest toward Sierra College Blvd)
Agency Negotiator: Perry Beck, Town Manager
Negotiating Parties: Union Pacific
Under Negotiation: Price and term

c. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Section 54956.9 of the Government Code:
Property: APN 043-014-019 (corporation yard property)
Agency Negotiator: Perry Beck, Town Manager
Negotiating Parties: Loomis School District
Under Negotiation: Price and term

d. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision Section 54956.9: Four potential cases

TUESDAY

JANUARY 10, 2006

7:30 P.M.

CALL TO ORDER

Call to order by Mayor Morillas at 7:50 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Morillas
Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.
- d. No action.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Scherer stated the following:

- received a flag to celebrate our 21st anniversary of the Town of Loomis
- this flag was flown over the Nations Capital
- Senator Barbara Boxer sent the flag to us

Councilmember Ucovich noted the light on the corner of Doc Barnes has not been working.

Brian Frাগiao, Town Engineer/Public Works Director, stated PG&E is working on getting the light to work.

Councilmember Millward stated the following:

- more homes are coming in which causes more impacts and the need for a second sheriff on patrol
- asked if there was some way the Town could charge the developers more for a second sheriff

Mayor Morillas asked staff to come back at a later date with more information on charging new developers for a second sheriff.

Councilmember Ucovich asked questions on the signage on Circle Drive.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. **Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Joel Swanson, 5810 Arcadia Avenue, stated the following:

- he ran into a problem trying to build an RV cover along the side of his house
- from the time he purchased the house in 2000 the setbacks have been changed in the Zoning Ordinance and now it makes it impossible to put an RV cover on the side
- almost everyone in De Anza Estates subdivision have a structure in the setback
- the setback use to be a total of 15 feet with 5 feet being the shortest distance, now it is a total of 20 feet with 10 feet being the shortest distance
- asked Council to have this item on the next Council meeting for discussion

Mayor Morillas asked staff to look into this.

Councilmember Ucovich noted there are side yard restrictions in the Sunrise Loomis CCR's that go with the property.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Ucovich, seconded by Councilmember Fuson and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling items 3, 7, 8, 9, 10, 11 forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | | |
|----|-----------------------------------|-------------------------|
| 1. | Council Minutes – 12/13/05 | <i>APPROVE</i> |
| 2. | Monthly Check Register – December | <i>RECEIVE AND FILE</i> |
| 4. | Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 5. | Planning Status Report | <i>RECEIVE AND FILE</i> |
| 6. | Select Projects Update | <i>RECEIVE AND FILE</i> |

CONSENT ITEMS FORWARDED

- | | | |
|----|-----------------------|-------------------------|
| 3. | Statement of Activity | <i>RECEIVE AND FILE</i> |
|----|-----------------------|-------------------------|

Councilmember Ucovich noted that in the transportation fund under streets and roads and the road circulation fund it shows we over spent and would like to know what it was for.

Brian Frাগiao stated the two funds were used for the Taylor Road widening project.

No public comment.

A motion was made to receive and file. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

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|----|--|----------------|
| 7. | Building Inspection Services Agreement With John Kintz | <i>APPROVE</i> |
|----|--|----------------|

Councilmember Millward questioned Willdan Company being used when the Town will be using John Kintz to do the building inspection services.

Perry Beck, Town Manager, pointed out that Willdan Company has only been used as a back up for the building department.

No public comment.

A motion was made to approve the agreement with John Kintz. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.

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|----|---|-------------------------|
| 8. | Consider Resolution Approving The Final Map For Heritage Estates Subdivision Phase 2 And Accepting Offers of Dedication Shown On The Final Map | <i>ADOPT RESOLUTION</i> |
| 9. | Consider Resolution Declaring Its Intention to Order the Expenses Of Maintaining and Operating Certain Improvements Assessed Upon Real Property, Heritage Park Estates Subdivision Phase 1, 2 and 3 | <i>ADOPT RESOLUTION</i> |

Item 8 and 9 to be discussed with item 11.

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|-----|--|------------------------|
| 10. | Second Reading of Ordinance 227 Amending Section 14.04.020 Of The Loomis Municipal Code Dealing With Subdivision | <i>ADOPT ORDINANCE</i> |
|-----|--|------------------------|

Councilmember Millward pointed out that In Section 14.04.020 the amendment shows the Planning Commission and Town Council need to give their approval but it was discussed previously that the Planning Commission should give a recommendation to the Council for Council approval.

No public comment.

Following further discussion on the matter, Council directed staff to revise Ordinance 227, Section 14.04.020 of the Loomis Municipal code, noting "Planning Commission will give a recommendation to the Council for Council approval" and to bring this back to the February meeting for second reading. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich
Noes: None

PUBLIC HEARING

Councilmember Millward left the room due to conflict of interest.

11. Appeal of Planning Commission's Approval

Appeal of the approval of Resolution 05-37, Heritage Park Estates, Review of Fence and wall plan for Phases II and III, end of South Walnut, APN 044-150-065, 066, 067

Recommended action: Direct staff

Public comment:

John Dunlap, representing the developer, stated the following:

- they want to be as accommodating as possible
- they would like secure insurances for time frames
- they will lose a couple of lots in adding the berm and hope to offset the cost with the Town taking over the construction of the berm/sound wall and fencing around the wetland area

Daryl Rogers, a partner with Gridiron Development, stated the following:

- he is a local person that lives in the community
- asking for some insurance/security that it won't drag on, before they begin
-

Dave Larsen, Town Attorney, noted the following:

- the applicant, Councilmember Scherer, is giving the developer an opportunity to resolve issues to dispense with the need for the appeal to go forward
- the public hearing is on items 8,9, and 11 and the appeal will likely not go forward if an agreement is reached
- looking for the Council's conceptual agreement and a time frame on which to draw up a formal agreement if that is the direction the Council wants to go

Greg Obranovich, 3661 Bankhead Road, clarified why the Planning Commission made their decision regarding the berm.

Jean Wilson, 4301 Barton Road, stated the following:

- the new owners of the triangular piece of property (between the freeway and Heritage Park Estates) indicated they were going to develop it
- they were aware that they would need to put in a berm near the freeway and that was clearly a factor in the decision

Council discussed coming back in two weeks with an agreement that should resolve everything, along with timelines.

Roger Henry, Morton and Pitallo, stated in two weeks he could have the actual alignment of what is proposed but at that time there would be no vertical alignment, underground, and grading design.

Following further discussion on the matter, a motion was made to continue items 8, 9 and 11 to January 24th at 7:00 p.m and to hold the appeal over to another meeting. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Morillas, Scherer, Ucovich

Noes: None

Abstained: Millward

Recess at 8:50 to 9:00 p.m.

Councilmember Millward returned to the table.

12. Planning Commission Responsibility Changes

Consider ordinance amending provisions dealing with the responsibilities of the Planning Commission in regard to certain planning approvals recommended to Council to be ratified

Recommended action: Introduce ordinance for first reading

Public comment:

Greg Obranovich, Planning Commission Chairman, noted the following:

- The Planning Commission is trying to do the right thing and the Council is throwing it all up in the air, it is inefficient
- by the time the projects come to them they are in their final stages, they should not be planning out the project
- there is a Planning Status Report each month and if there is a project that has an issue then the Planning staff needs to know
- they are open to suggestions
- a joint workshop would be good to work these things out

Janet Thew, Planning Commissioner, asked Council to have a joint workshop before the next Council meeting.

Jean Wilson, Planning Commissioner, stated the following:

- she would also like a joint workshop with the Council

- they want good communication with the Council so they don't overlook anything important
- Council's concerns should have been given to staff and the Planning Commission ahead of time and maybe the appeals wouldn't have gone forward
- Concerned about lengthening the time period to get a use permit approved, it could take longer before a business is allowed in Town

Irene Smith, 6755 Wells Avenue, encouraged Council to have a joint workshop with the Planning Commission.

Following further discussion on the matter, a motion was made to make the changes to the Municipal Code as noted in the staff report and hold first reading of an Ordinance, amending provisions dealing with the responsibilities of the Planning Commission. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Millward Scherer, Ucovich

Noes: Fuson, Morillas

BUSINESS

13. Preserving Open Space

Consider adopting a resolution to increase emphasis on preserving open space and rural character during planning and evaluating development proposals

Recommended action: Approve resolution directing that development proposals be closely evaluated for conformance to General Plan policies having to do with open space and rural character preservation and enhancement

Public comment:

Irene Smith, member of the Open Space committee, stated the following:

- the Open Space Committee has been working diligently
- having a resolution and the Council's approval means their efforts are supported
- they have four task forces that are working every month on different areas
- they need to know staff is evaluating the properties that are going through and looking specifically at the importance of preserving the rural character of Loomis

Vic Markey, 5827 Horseshoe Bar Road and member of the Open Space committee, stated the following:

- concerned about our heritage
- we should concentrate on smart growth, even if it is slow at times
- the committee is trying to figure out what issues are environmentally sensitive with some developments

Jean Wilson noted the following:

- welcomed pointed questions in the application that have to do with open space
- she would like to see questions that ask how well the project will preserve and enhance the rural atmosphere in Loomis

Terri Barnato, 4520 Val Verde and member of the Open Space committee, stated the Town needs to do more to preserve open space before it is too late.

Ken Menzer, arborist for the Town with ABACUS, noted the following:

- he has worked as an urban forester
- the Town needs to look at groups of trees rather than individuals
- preserving the open space is where we should be

John Knott, 6490 Oakridge Drive and a member of the Open Space committee, stated the following:

- he agrees with the last speakers
- important that Council put an emphasis on open space
- the committee is working hard to recommend things to the Council that will be good tools

Dave Larsen suggested the following changes in the resolution:

- 2. Projects will be evaluated not only for compliance with zoning lot size criteria but when appropriate will also be evaluated with respect to preservation of open space etc.
- 3. End of the sentence add "assuming land dedication can legally be required."

Following further discussion on the matter, a motion was made to adopt Resolution 06-01, directing that development proposals be closely evaluated for conformance to General Plan policies having to do with open space and rural character preservation and enhancement. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by the following roll call vote:

Ayes: Fuson, Millward, Morillas, Scherer, Ucovich

Noes: None

14. Tree Preservation and Protection

Discuss making the tree preservation and protection section of the Zoning Code clearer and more consistent in its application

Recommended action: Discuss and direct staff

Public comment:

Ken Menzer suggested the following:

- clarifying the fencing and tree standards
- coming up with a list of appropriate species to plant, sizes, and how close to plant near sewer lines, etc.
- need to work with developers and decide the best trees to save, get rid of the worse ones and monitor
- he would like to work with the Open Space committee

Vic Markey pointed out the following:

- his task force, on the Open Space committee, have been identifying issues on projects that come through
- they take the information and see if the Zoning Ordinance supports protection of the trees, or what mitigation values are in it, then come up with recommendations

Ed Worley recommended being pro-active, when a property changes hands give the new owner a bulletin outlining recommendations how to take care of their property and refer to ordinances to protect the trees, etc.

Janet Thew pointed out that it is already a condition for developers to give the owners a copy of Living With The Oaks.

Following further discussion on the matter, Council directed staff to work with Ken Menzer, ABACUS Company, on a scope of services for the Town and bring this item back on January 24, 2006.

15. Open Space Committee Request

Consider an educational public outreach to residents on open space preservation and Enhancement

Recommended action: Discuss and decide if this outreach on the matter of open space is acceptable as presented or as edited and if it is approve a budget to implement the program

Public comment:

Irene Smith stated the following:

- in response to all of the input from citizens regarding maintaining the rural character, the Open Space committee believes there is a lot of information that can be given to residents that will tell them how they can participate in the process of keeping it rural
- among these ideas is using conservation easements, where you can permanently protect a piece of land
- there are benefits to residents that they are not aware of and this will be explained at a forum on March 9th
- they want to get the materials out to every property owner in Loomis, time is of the essence, plans are being made to develop
- they will send a cover letter explaining what the Open Space committee is all about, two brochures and an invitation to the March meeting

Ed Worley pointed out the Memorial Hall could be used for the meeting on March 9th.

Councilmember Ucovich would like to include in the mailing a small card with a few questions for the community to see where they are coming from.

Council directed staff to work with the Open Space committee to develop some questions to be sent out, and to take the phrase out of the invitation, "afraid of overdevelopment and traffic jams – like our neighboring communities?"

Following further discussion on the matter, a motion was made to approve expenditure of \$3000 to implement the program. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

16. Firearms In Town Limits

Discuss developing an ordinance regulating firearms within Town limits

Recommended action: Discuss and give direction

Public comment:

Ed Worley, 5550 Tudor Way and a lobbyist for the National Rifle Association of America, stated the following:

- California has an extremely comprehensive code to regulate firearms
- State Penal Code Section 246.3, states it is illegal for a person to willfully discharge a firearm in a grossly negligent manner which would result in injury or death of a person
- expounded on other State Penal Code sections that would address any issues the Town would have
- the Placer County deputy could have lawfully taken the firearms under the State Penal Code

Jean Wilson stated the following:

- this issue was brought up a few years ago
- we need to be aware there is a significant rural area in Loomis
- she would hate to take away our ability to shoot a rattlesnake, a coyote, or a rat if protecting our family and livestock

Following further discussion on the matter, Council agreed there were enough State laws to address the Town's firearm issues.

17. Service Fee Rates

Council adopted service fees in December 2005, and certain fees were held over for further Consideration

Recommended action: Discuss and give direction
Public comment:

Continued to January 24, 2006.

18. **Animal Control Contract** (Continued from 12/13/05)
Consider contract for animal control services per the new terms and conditions that Placer County will use to recover full costs of animal control services
Recommended action: Approve resolution to enter into contract with Placer County to provide animal control services under the new terms and conditions
Public comment:

Continued to January 24, 2006.

19. **Subdivision and Street Naming Policy** (Continued from 12/13/05)
Mayor Scherer asks that Council consider changes to the policy of naming subdivisions and Streets
Recommended action: Discuss and give direction as to what Council wants to do
Public comment:

Continued to January 24, 2006.

20. **General Plan Revisions** (Continued from 12/13/05)
Staff seeks confirmation on proposed General Plan revisions that the Council selected at the August meeting
Recommended action: Approve the "Matters for General Plan Amendment" as described in this memo or as edited by Council
Public comment:

Continued to January 24, 2006.

21. **Bronze Plaque At Loomis Station**
Council Member Ucovich asks that Council authorize installing the bronze plaque the Town had done, in a stone monument to be sited in a planter at Loomis Station.
Recommended action: Discuss and give direction as to what Council wants to do
Public comment:

Continued to January 24, 2006.

22. **Committee Assignments for 2006**
The mayor, with the approval of the Town Council, shall make appointments to regional and County boards, commissions and committees
Recommended action: Discuss and make committee appointments for calendar Year 2006
Public comment:

Continued to January 24, 2006.

23. **Placer County Transportation Planning Agency (PCTPA)**
Consider attending a meeting scheduled for February 22nd to discuss transportation funding
Recommended action: Advise staff as to which Councilmembers plan to attend the meeting
Public comment:

Continued to January 24, 2006.

FUTURE AGENDA ITEMS

COMMITTEE REPORTS

- 24. Placer County Economic Development Commission – Ucovich
- 25. Placer County Flood Control/Water Conservation District – Morillas
- 26. Placer County Transportation Planning Agency – Ucovich
- 27. Placer County Mosquito Abatement – Ucovich
- 28. Placer County Air Pollution Control District – Millward/Ucovich
- 29. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

Mayor Morillas stated there was no further business and adjourned at 11:20 p.m. to an adjourned regular meeting on January 24, 2006.

Mayor

Town Clerk